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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/034,934	03/04/1998	MICHAEL D. ELLIS	UV-43	4014

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/27/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/034,934

Applicant(s)

ELLIS ET AL.

Examiner

Vivek Srivastava

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26,28-78,84-91 and 181-447 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-26,28-78,84-91 and 181-447 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18. 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's argue and contend the Examiner's official notice taking of claims 1, 184, 272 and 360. Applicants further request the Examiner to Furnish a reference to support the official notice taken.

To support the Official Notice taken, the Examiner submits Cherrick et al (5,528,304). Cherrick, in Fig. 7, depicts current EPG programming available. With comparatively less information shown as other EPG with listings of programming over 1-2 hour intervals, the viewer can easily and quickly detect the actual programming available at the current time. If Applicant's are not satisfied with this reference, Applicant's should indicate so in the subsequent office action and a plurality of more references can be furnished.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26, 28-35, 41-78, 84-88, 91 and 181-218, 220, 223-265, 268-305, 311-352, 354, 356-393, 399-440, 442 and 444-447 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etheredge (U.S. Patent No. 6,172,674) in view of Alexander et al (U.S. Patent 6,177,931 B1/ or "Alexander" hereinafter).

Regarding claim 1, Etheredge discloses a television program guide system implemented on user television equipment (Figs 1 & 4, and col. 1/lines 20-37), comprising:

means for providing an option for a user to create a preference profile that is indicative of the user's television programming interests, i.e., a user profile is created (col. 8/lines 45-54) with user preferences (col. 20/line 62-col. 21/line 16) as an option for user to select includes a plurality of selection levels according to user's television programming interests (col. 1/lines 53-67 & col. 20/line 62 to col. 21 line 16).

Etheredge does not disclose the step of comprising "means for displaying a hot list of programs on the user television equipment, wherein all of the programs on the hot list are based on the preference profile and are substantially currently available for viewing by the user; however, Alexander teaches an exact same technique to provide users an electronic program guide comprising at least either a favorite list, a preference list or a hot list 22 (Fig.1) wherein the hot list with upcoming programs, which also can be sorted by categories (Fig. 7). The Examiner takes Official Notice it would have been well known to show a user programs which are substantially currently available to quickly provide a display and indication of what programs are available at the current time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etheredge's system with Alexander's technique of a hot list or a preference list to provide users a choice of selecting an interesting event which is currently available for quick selection.

As for claim 2, in further view of claim 1 above, the combination of Etheredge and Alexander further discloses "comprising means for providing the option for the user to create the preference profile further comprises means for providing an option for a user to create a preference profile that is indicative of the user's television programming interests", i.e., a user profile is created (col. 8/lines 45-54) with user preferences (col. 20/line 62-col. 21/line 16) as an option for user to select includes a plurality of selection levels according to user's television programming interests (col. 1/lines 53-67 & col. 20/line 62 to col. 21 line 16); and means for providing an option for the user to select of at least several preference levels for each of the plurality of selected preference attributes, wherein the selected preference attributes and the selected preference levels are associated with the preference profile, i.e, options for selecting or creating a preference profile and the selected preference levels are clearly taught by Etheredge (Figs. 4, 7, 16, 19, 29 & 30, and col. 20/line 17 to col. 22/line 10 for more details on this issue) and Alexander teaches to use a preference profile of users in providing preference programs and levels of service (Alexander, col. 30/line 45 to col. 32/line 21 including smart sorting technique for providing favorite or hot programs to users based on their personal profiles).

As for claim 3, in further view of claim 2 above, Etheredge discloses "comprising means for providing an option of selecting a preference scope that is associated with the preference profile", i.e., preference scope such as whether like or dislike associated with "Favorites" (channels) of the preference profile (Fig. 29, and col. 20/line 62 to col. 21/line 37).

As for claim 4, in further view of claim 2 above, Etheredge teaches "wherein there are multiple profiles, the system further comprising means for providing an option of selecting which of the profiles to make active", i.e., multiple profiles for View List,

Favorites, Critics and so on are shown up on the display screen for user to select (Fig. 29).

Regarding claims 5-7, in further view of claim 1, Alexander further discloses the steps of "further comprising means for turning on an auto-reminders feature"; "wherein a given one of the profiles is active, the system further comprising means for displaying automatic reminders when the auto-reminders feature is turned on based on the active profile just prior to the scheduled broadcast times of programs satisfying the active profile"; and "comprising: means for providing a view now option for programs for which automatic reminders are displayed; and means for tuning to a given one of the programs for which the automatic reminders are displayed when the user selects the view now option for that program" (see Alexander, col. 29/line 14-67 for personal profile creation; and col. 30/line 45 to col. 32/line 21 for the utilization of personal profile to customize the preference programs to viewers).

As for claim 8, in further view of claim 2 above, the combination of Etheredge and Alexander further discloses "wherein at least two of the preference profiles are active and wherein the means for displaying the hot list of programs based on at least two preference profiles further comprises means for indicating which of the programs in the hot list of programs satisfy which of the preference profiles", i.e, a preference list of more than at least two of the preference profiles, for instance, favorites, critics or topics are displayed to users with a choice to update the selected preference attributes and selected preference levels in those preference profiles (as illustrated in Fig. 29, and col. 20/line 62 to col. 21/line 17; and Alexander's hot list of claim 1 above).

As for claim 9, in further view of claim 8 above, Etheredge further discloses "wherein the means for indicating comprises means for listing the programs that satisfy one of the two profiles using one color and the programs that satisfy the other of the two profiles using another color", i.e., the color lights 962 & 963 and so on... will represent graphical depiction or without the graphical depiction of user selection in the display based on the slider 234 from interest level 0 to 9, thus, the color light will be different for one (non-selected) and for the other (selected) (see Fig. 29, and col. 20/line 62 to col. 21/line 37).

As for claim 10, in further view of claim 8 above, Etheredge teaches "wherein the means for indicating comprises means for listing the programs that satisfy one of the two profiles using one pattern and the programs that satisfy the other of the two profiles using another pattern", i.e., steps for searching or listing one of two profiles using different patterns, for instance, a pattern for searching or listing the "Topics" is different than a pattern for searching or listing the "Titles" (as illustrated in Figs. 10 & 11).

As for claim 11, in further view of claim 8 above, Etheredge further teaches "wherein the means for indicating comprises means for listing the programs that satisfy one of the two profiles using one icon and the programs that satisfy the other of the two profiles using another icon", i.e., various icons or symbols can be used for identifying additional information about a program (see Figs. 24-25, 27-28 and col. 19/lines 27-52).

As for claim 12, in further view of claim 4 above, the combination of Etheredge and Alexander discloses "wherein the means for displaying the hot list of programs further comprises means for displaying the hot list of programs based on the multiple profiles", i.e., a preference list of multiple profiles, for instance, favorites, critics or topics

are displayed to users with a choice to update the selected preference attributes and selected preference levels in those preference profiles (as illustrated in Etheredge, Fig. 29, and col. 20/line 62 to col. 21/line 17; and Alexander's hot list of claim 1 above).

As for claim 13, in further view of claim 4, the combination of Etheredge and Alexander teaches "further comprising means for allowing tuning to certain channels based on multiple profiles" (as illustrated in Figs. 4, 14, 15 for a program guide with the options for user to select a preference list such as Channel, Topic, People in item 290 of Fig. 15 & profiles of Alexander's, col. 29/lines 14-67).

As for claims 14-18, in further view of claim 1, Etheredge further teaches "comprising means for allowing the user to tune to a selected program, wherein the means for providing the option of creating the preference profile further comprises means for creating the preference profile based on characteristics of the selected program"; "wherein the means for creating the preference profile based on the characteristics of the selected program further comprises means for creating the preference profile based on the title of the selected program"; "wherein the means for creating the preference profile based on the characteristics of the selected program further comprises means for creating the preference profile based on the genre of the selected program"; and "wherein the means for creating the preference profile based on the characteristics of the selected program further comprises means for creating the preference profile based on the channel of the selected program"; and "wherein the means for creating the preference profile based on the characteristics of the selected program further comprises means for creating the preference profile based on the rating of the selected program", i.e., profiles are created based on characteristics of the selected program such as based on view record, actors, daily shows, channels, titles,

genre or topics and ratings or restrictions (see Figs. 3, 5, 6, 8-9, 10-11, 12 & 29; and col. 5/line 25 to col. 6/line 61).

As for claim 19, in further view of claim 1, Etheredge further discloses "comprising means for allowing the user to highlight a given program listing, wherein the means for providing the option of creating the preference profile further comprises means for creating the preference profile based on characteristics of the highlighted program listing", i.e., a program can be highlighted with a different color (as illustrated in Fig. 26, and col. 19/line 53 to col. 20/line 17).

As for claims 20-26, in further view of claim 19 above, the steps of "wherein the means for creating the preference profile based on the characteristics of the highlighted program listing further comprises means for creating the preference profile based on the title of the highlighted program listing"; "wherein the means for creating the preference profile based on the characteristics of the highlighted program listing further comprises means for creating the preference profile based on the genre of the highlighted program listing"; "wherein the means for creating the preference profile based on the characteristics of the highlighted program listing further comprises means for creating the preference profile based on the channel of the highlighted program listing"; "wherein the means for creating the preference profile based on the characteristics of the highlighted program listing further comprises means for creating the preference profile based on the rating of the highlighted program listing"; "means for allowing the user to tune to a selected program; and means for modifying a preference profile with which the selected preference attributes and the selected preference levels are associated based on the characteristics of the selected program"; "means for allowing the user to highlight a given program listing; and means for modifying a preference profile with which the selected preference attributes and the selected preference levels are associated based

on the characteristics of the highlighted program listing"; and "means for providing a profiles display with which the user may modify a preference profile with which the selected preference attributes and the selected preference levels are associated" are taught by Etheredge as already disclosed in claims 12-19 above.

(Claim 27 was canceled.)

Regarding claims 28-35, these claims for a program guide system defined in claim 1 further "comprising means for providing an option for displaying the hot list a short time before the scheduled broadcast times of programs on the hot list and for adjusting this time"; "wherein the means for displaying the hot list further comprises means for providing the hot list sorted by start time"; "wherein the means for displaying the hot list further comprises means for providing the hot list sorted by channel"; "wherein the means for displaying the hot list further comprises means for providing the hot list sorted by priority"; "wherein the means for displaying the hot list sorted by priority further comprises means for displaying the hot list with pay-per-view programming having highest priority and being listed first"; "further comprising means for allowing tuning to certain channels based on the selected preference attributes and selected preference levels"; "further comprising means for providing an option of specifying a sort order for each of the selected preference attributes"; and "further comprising means for allowing tuning to certain channels based on the specified sort order" are taught by Etheredge as disclosed in claims 12-27 with sorting technique as illustrated in Fig. 23 & Alexander's hot list as discussed in claim 1 above.

Regarding claim 41, in further view of claim 1 above, Etheredge further teaches "comprising means for providing a personal identification number setup screen", each user can have a personal ID to set up profiles with a password (col. 5/lines 41-51).

As for claims 42-48, in further view of claim 41 above, these claims of "wherein the means for providing the personal identification number setup screen further comprises means for providing a plurality of personal identification number options associated with a preference profile"; "wherein the means for providing the personal identification number options further comprises means for setting whether a personal identification number is required for activating the profile"; "wherein the means for providing the personal identification number options further comprises means for setting whether a personal identification number is required for deactivating the profile"; "further comprising means for providing a personal identification number setup screen, wherein the means for providing the personal identification number (PIN) options further comprises: means for providing a plurality of PIN options associated with a preference profile with which the selected preference attributes and the selected preference levels are associated; means for setting whether a personal identification number is required for viewing which preference attributes are associated with the profile"; "wherein the means for providing the personal identification number options further comprises means for setting whether a personal identification number is required for modifying which preference attributes have an associated preference level of illegal"; "wherein the means for providing the personal identification number options further comprises means for setting whether a personal identification number is required for modifying which preference attributes have an associated preference level of mandatory"; "wherein the means for providing the personal identification number options further comprises means for setting whether a personal identification number is required for modifying like and dislike preference levels" are taught by Etheredge because the personal ID is necessary identification information for user to access their own profiles and all the discussed limitations above in claims 12-35 to be followed (Fig. 3, and col. 5/lines 41-51).

Regarding claim 49, in further view of claim 2, Etheredge teaches "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a given airing of a program as a preference attribute", i.e., an option is addressed for users to select (Figs. 13, 15, 16, 19, 23-26 & 29-30).

Regarding claims 50-64, these claims for "means for allowing the given airing of the program selected as a preference attribute to expire after the program has been aired"; "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a broadcast characteristic as a preference attribute"; "wherein the means for providing the option of selecting a broadcast characteristic as a preference attribute further comprises means for providing closed-captioning as a preference attribute"; "wherein the means for providing the option of selecting a broadcast characteristic as a preference attribute further comprises means for providing second audio program as a preference attribute"; "further comprising means for providing an option of specifying a sort order for each of the selected preference attributes"; "further comprising means for displaying the list of programming based on the specified sort order"; "further comprising means for providing the user with an option of selecting a preference scope"; "further comprising means for displaying the list of programming based on the selected preference scope"; "further comprising means for allowing tuning to certain channels based on the selected preference scope"; "wherein the means for providing the user with the option of selecting the preference scope further comprises means for selecting a preference scope selected from the group consisting of: narrow scope, moderate scope, and wide scope"; "wherein the preference levels include like, dislike, illegal, and mandatory, and wherein the means for providing the user with the option of selecting the preference

scope further comprises means for selecting a preference scope that includes liked programs that are not more disliked and that have all mandatory attributes and no illegal attributes"; and "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a program series as a preference attribute" are taught by Etheredge as disclosed in earlier claims 1-4, 8-35, and 41-49 above.

Regarding claims 65-75, in further view of claim 2, Etheredge further teaches "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a genre of programming as a preference attribute"; "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting at least one rating as a preference attribute"; "means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a given actor or actress as a preference attribute"; "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a given topic as a preference attribute"; "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a word in a program description as a preference attribute"; "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a given program start time as a preference attribute"; "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a range of broadcast times as a preference attribute"; "wherein the means for providing the option for the user to select a plurality of

preference attributes further comprises means for providing an option of selecting original programming as a preference attribute"; "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a given language as a preference attribute"; "wherein the means for providing the option for the user to select a plurality of preference attributes further comprises means for providing an option of selecting a critics rating as a preference attribute"; and "further comprising means for providing an option of deselecting at least one of the selected preference attributes", i.e., an option is addressed for users to select (Figs. 13, 15, 16, 19, 23-26 & 29-30) and user profiles are created based on characteristics of the selected program such as based on view record, actors, daily shows, channels, titles, genre or topics and ratings or restrictions (see Figs. 3, 5, 6, 8-9, 10-11, 12 & 29; and col. 5/line 25 to col. 6/line 61).

As for claims 76-78, Etheredge further discloses "wherein the preference levels include at least like and dislike"; "wherein the preference levels include at least strong like and weak like"; and "wherein the preference levels include at least strong dislike and weak dislike" (Fig. 29 with a slider in options in showing the highest interest or the lowest interest).

(Claims 79-83 were canceled.)

As for claims 84-87, these claims for the steps of "further comprising means for providing an option for creating a master preference profile"; " wherein a plurality of preference profiles including a master preference profile are active, the system further comprising means for resolving conflicts between preference profiles in favor of the master preference profile"; "wherein a master preference profile that is accessed by a master personal identification number is used to define certain television viewing preferences, the system further comprising means for displaying the hot list of programs

based on the master profile”; and “wherein a master preference profile that is accessed by a master personal identification number is used to define certain television viewing preferences, the means for displaying the hot list of programs further comprising means for displaying the hot list of programs based on selected preference attributes and selected preference levels in the master profile” are taught by Etheredge and Alexander with a parent profile as a master profile in controlling accesses for their children (Fig. 3 and col. 5/lines 25 to col. 6/line 45 and earlier discussions in claims 1-4, 8-35, 41-49 & Alexander’s hot list as discussed in claim 1 above).

As for claim 88, in further view of claim 1, Etheredge further shows “means for providing an opportunity for setting non-program settings associated with the preference profile”, i.e, non-program settings such as critics associated with the preference profiles (Fig. 29).

As for claim 91, in further view of claim 1, Etheredge teaches “comprising: means for providing an opportunity for creating multiple preference profiles, each of which has an associated set of selected preference attributes and selected preference levels; means for providing an option of selecting which of the profiles to make active; and means for providing access to a messaging service based on information on which profile is active”, i.e, a preference list of multiple profiles, for instance, favorites, critics or topics are displayed to users with a choice to update the selected preference attributes and selected preference levels in those preference profiles (as illustrated in Fig. 29, and col. 20/line 62 to col. 21/line 17).

Claims 181-218, 220, 223-265, 268-305, 311-352, 354, 356-393, 399-440, 442 and 444-447 are met by that discussed above and/or are met by the combination of Etheridge and Alexander.

5. Claims 36-40, and 89-90, 219, 221, 222, 266, 267, 306-310, 353, 355, 394-398, 441 and 443 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etheredge (U.S. Patent No. 6,172,674) in view of Alexander et al (U.S. Patent 6,177,931 B1) and Williams et al. (U.S. Patent No. 5,977,964).

Regarding claim 36, in further view of claim 1, Etheredge and Alexander do not disclose the steps of "comprising means for monitoring which programs are watched by the user"; however, Williams teaches an exact same technique of monitoring which programs are watched by the user (see Williams, col. 1/line 49 to col. 2/line 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etheredge's system with Williams's disclosed technique of using a monitor controller system in monitoring the user pattern in selecting favorite programs in order to provide appropriate auto reminders for users a convenient tool for preparing in watching or recording an upcoming event in advance without having a chance to miss it.

As for claims 37-40, in further view of claim 36 above, these claims of "wherein the means for monitoring which programs are watched by the user further comprises means for monitoring viewing times, channels, and frequencies"; "comprising means for automatically modifying a preference profile with which the selected preference attributes and the selected preference levels are associated based on which programs are watched by the user"; "further comprising means for providing an opportunity to review and modify automatic profile modifications made by the means for automatically modifying"; "further comprising means for disabling the means for automatically modifying" are disclosed by Williams (Figs. 2-5 & 7; and col. 5/lines 20-51, and col. 9/line 10 to col. 12/line 44 for monitoring viewing times, channels and frequencies such

as access times, reviewing and modifying a preference profile, or disabling for automatically modifying processes).

Regarding claims 89-90, in further view of claim 1 and 36 above, the steps of "further comprising: means for providing an option of creating a preference profile with which the selected preference attributes and the selected preference levels are associated: and means for providing an opportunity for setting non-program settings associated with the preference profile, wherein the non-program settings include audio settings for the user television equipment"; and "further comprising: means for providing an option of creating a preference profile with which the selected preference attributes and the selected preference levels are associated; and means for providing an opportunity for setting non-program settings associated with the preference profile, wherein the non-program settings include display settings" are taught by Williams as Williams provides users the option to select audio settings in user profiles such as volume settings or low volume settings (see Williams, Figs. 7-9, and col. 10/lines 42-65).

Claims 219, 221, 222, 266, 267, 306-310, 353, 355, 394-398, 441 and 443, are met by that discussed above and/or is met by the combination Etheredge in view of Alexander et al and Williams et al.

Response to Arguments

Applicant argues that Etheridge nor Alexander teaches that all of the programs identified in the hot list are available substantially currently for viewing by the user.

The Examiner concurs. However, it would have been obvious to one skilled in the art to modify the combination of Etheridge and Alexander to include this feature as discussed above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 - 9314, (for formal communications intended for entry)

Or:

Art Unit: 2611

(703) 308- 5399 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038.


The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

7/24/04


VIVEK SRIVASTAVA
PRIMARY EXAMINER